

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

JOHN B. WARDA,

Petitioner,

Case No. 03-C-262
92-CR-132

v.

UNITED STATES OF AMERICA,

Respondent.

OPINION AND ORDER

John Warda, who filed a motion seeking relief pursuant to 28 U.S.C. § 2255, has asked the court for an order allowing him to dismiss his motion. See Federal Rule of Civil Procedure 41(a). He concedes that his current claims are without merit.

Accordingly, the court ORDERS that John Warda's "Motion Under 28 U.S.C. § 2255 To Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody" (filed March 7, 2003) IS DENIED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that the "Petitioner's Motion to Voluntarily Withdraw His Pending § 2255 Motion Without Prejudice" (filed December 7, 2005) IS GRANTED.

IT IS FURTHER ORDERED that this action is dismissed without prejudice.

IT IS FURTHER ORDERED that the Clerk of Court shall enter a judgment of dismissal as a separate document. See Federal Rule of Civil Procedure 58. This judgment shall provide that:

John B. Warda brought a motion for relief pursuant to 28 U.S.C. § 2255 before the court, the Honorable Thomas J. Curran, District Judge, presiding, and the motion having been denied without prejudice,

IT IS ORDERED AND ADJUDGED

that this action is dismissed without prejudice.

Done and Ordered in Chambers at the United States Courthouse,
Milwaukee, Wisconsin, this 8th day of December, 2005.

s/ Thomas J. Curran
Thomas J. Curran
United States District Judge